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PTO/SB/01 (03-01)

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**DECLARATION FOR UTILITY OR
DESIGN
PATENT APPLICATION
(37 CFR 1.63)**

Declaration Submitted With Initial Filing Declaration Submitted after Initial Filing (surcharge (37 CFR 1.16 (e)) required)

Attorney Docket Number	36992.00080
First Named Inventor	Akira Fujibayashi
COMPLETE IF KNOWN	
Application Number	Unknown/
Filing Date	Unknown
Group Art Unit	Unknown
Examiner Name	Unknown

As a below named inventor, I hereby declare that:

My residence, post office address, and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

APPARATUS AND METHOD FOR ONLINE DATA MIGRATION WITH REMOTE COPY

the specification of which *(Title of the Invention)*

is attached hereto

OR

was filed on (MM/DD/YYYY) as United States Application Number or PCT International

Application Number and was amended on (MM/DD/YYYY) (if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims as amended specifically referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or (f), or 365(b) of any foreign application(s) for patent, inventor's or plant breeder's rights certificate(s), or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box any foreign application(s) for patent, inventor's or plant breeder's rights certificate(s), or of any PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application Number(s)	Country	Foreign Filing Date (MM/DD/YYYY) Country	Priority Not Claimed	Certified Copy Attached?	
				YES	NO
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Additional foreign application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto:

[Page 1 of 2]

Burden Hour Statement: This form is estimated to take 21 minutes to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

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DECLARATION — Utility or Design Patent Application

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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.			
NAME OF SOLE OR FIRST INVENTOR:		<input type="checkbox"/> A petition has been filed for this unsigned inventor	
Given Name Akira (first and middle [if any])		Family Name Fujibayashi or Surname	
Inventor's Signature <i>Akira Fujibayashi</i>		Date 8/17/2001	
San Jose	State	Country	Citizenship
Residence: City	CA	USA	Japan
4685 Albany Circle, Apt. #118 Mailing Address			
San Jose	CA	95129	USA
City	State	Zip	Country
NAME OF SECOND INVENTOR: <input type="checkbox"/> A petition has been filed for this unsigned inventor			
Given Name Akira (first and middle [if any])		Family Name Yamamoto or Surname	
Inventor's Signature <i>Akira Yamamoto</i>		Date 8/17/01	
Cupertino	CA	U.S.A.	JAPAN
Residence: City	State	Country	Citizenship
1202 Ruppell Place Mailing Address			
Cupertino	CA	95014	U.S.A.
City	State	Zip	Country
<input type="checkbox"/> Additional inventors are being named on the _____ supplemental Additional Inventor(s) sheet(s) PTO/SB/02A attached hereto.			

Please type a plus sign (+) inside this box →

PTO/SB/81 (02-01)

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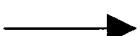
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Application Number	Unknown
Filing Date	Unknown
First Named Inventor	Akira Fujibayashi
Group Art Unit	Unknown
Examiner Name	Unknown
Attorney Docket Number	36992.00080

I hereby appoint:

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Marc A. Sockol, Reg. No. 40,823; Daryl C. Josephson, Reg. No. 37,365; Arnold de Guzman, Reg. No. 39,955; Cameron Kerrigan, Reg. No. 44,826; Patrick D. Benedicto, Reg. No. 40,909; David B. Abel, Reg. No. 32,394; Nathan Lane, Reg. No. 43,738; Lorinda Howland, Reg. No. 42,671; Michael Lechter, Reg. No. 27,350; David Koo, Reg. No. 46,839; David Rogers, Reg. No. 38,287; William Bachand, Reg. No. 34,980; Aaron Winingar, Reg. No. 45,229; Paul A. Durdik, Reg. No. 37,819; Paul J. Meyer 47,791; Victoria L. Nicholson, Reg. No. 47,823; and Fariba Sirjani, Reg. No. 47,947.

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I am the:

Applicant/Inventor.
 Assignee of record of the entire interest. See 37 CFR 3.71.
Certificate under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96).

SIGNATURE of Applicant or Assignee of Record

Name Akira Fujibayashi

Signature *Akira Fujibayashi*

Date 8/7/2001

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.

SIGNATURE of Applicant or Assignee of Record

Name Akira Yamamoto

Signature *Akira Yamamoto*

Date 8/7/2001

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.

*Total of 1 form is submitted.

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OCTOBER 17, 2001

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NUMBER OF PAGES: 3

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:

FUJIBAYASHI, AKIRA

DOC DATE: 08/07/2001

ASSIGNOR:

YAMAMOTO, AKIRA

DOC DATE: 08/07/2001

ASSIGNEE:

HITACHI, LTD.
6, KANDA SURUGADAI, 4-CHOME,
CHIYODA-KU
TOKYO,, JAPAN 101-8010

SERIAL NUMBER: 09227167

FILING DATE: 01/07/1999

PATENT NUMBER:

ISSUE DATE:

DATES ENTERED

No Abo

STEVEN POST, EXAMINER
ASSIGNMENT DIVISION
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ATTORNEY
SQUIRE, SANDERS & DEMPSEY

08-17-2001

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To the Honorable Commissioner or Patents and Trademarks: Please Record the attached original documents or copy thereof.

1. Name of conveying party(ies):

Akira Fujibayashi
Akira Yamamoto

08/10/01

Additional name of conveying party(ies) attached? Yes No

2. Name and address of receiving party(ies)

Name: Hitachi, Ltd.

Internal Address:

JULY 15 2001
U.S. PATENT & TRADEMARK OFFICE
PTO 857 09/927167
08/10/01

3. Nature of conveyance:

 Assignment Merger Security Agreement Change of Name Other _____Execution Date: August 7, 2001Street Address: 6, Kanda Surugadai, 4-Chome, Chiyoda-kuCity: Tokyo, Japan State: Zip: 101-8010Additional Name(s) & address(es) attached? Yes No

4. Application number(s) or patent number(s):

09/827167

If this document is being filed together with a new application, the execution date of the application is: August 7, 2001

A. Patent Application No.(s)

B. Patent No.(s)

Additional numbers attached? Yes No

5. Name and address of party to whom correspondence concerning this document should be mailed:

Name: Patrick D. Benedicto, Reg. No. 40,909Internal Address: Squire, Sanders & Dempsey L.L.P.600 Hansen WayStreet Address: 600 Hansen WayCity: Palo AltoState: CAZip: 94304-10436. Total number of applications and patents involved: 17. Total fee (37 CFR 3.41) \$ 40.00 Enclosed Authorized to be charged to deposit account

8. Deposit account number:

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9. Statement and signature.

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.

Patrick D. Benedicto

Name of Person Signing

Pat in Bla d'coAugust 10, 2001

Date

Total number of pages including cover sheet, attachments, and documents: 3

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ASSIGNMENT

(1-4) Insert Name(s) of Inventor(s)

(1) Akira Fujibayashi _____ (3) _____
 (2) Akira Yamamoto _____ (4) _____

For good and valuable consideration receipt of which is hereby acknowledged, the undersigned agree(s) to assign, and hereby do(es) assign, transfer and set over to:

(9) Insert name of Assignee

(9) Hitachi, Ltd.(10) Insert state of incorporation of
Assignee(10) Japan

(11) Insert address of Assignee

(11) of 6, Kanda Surugadai, 4-Chome, Chiyoda-ku Tokyo 101-8010 JAPAN
(hereinafter designated as the Assignee) the entire worldwide right, title and interest in the invention known as(12) Insert Identification of
Invention, such as Title, Case
Number or Foreign
Application Number(12) Apparatus and Method for Online Data Migration with Remote Copy
(Case No. 36992.00080), (Serial No. Unknown) for which the undersigned has (have) executed an application for patent in United States of America(13) Insert Date of Signing of
Application(13) on August 7, 2001

1) The undersigned agree(s) to execute all papers necessary in connection with the application and any continuing or divisional applications thereof and also to execute separate assignments in connection with such applications as the Assignee may deem necessary or expedient.

2) The undersigned agree(s) to execute all papers necessary in connection with any interference which may be declared concerning this application or continuation or division thereof and to cooperate with the Assignee in every way possible in obtaining evidence and going forward with such interference.

3) The undersigned agree(s) to execute all papers and documents and perform any act which may be necessary in connection with claims or provisions of the International Convention for Protection of Industrial Property or similar agreements.

4) The undersigned agree(s) to perform all affirmative acts which may be necessary to obtain a grant of a valid United States patent to the Assignee.

5) The undersigned hereby authorize(s) and request(s) the Commissioner for Patents and the duly constituted authorities of foreign countries to issue any and all Letters Patents resulting from said application or any division or divisions or continuing or reissue applications thereof to the said Assignee, its successors and assigns, as Assignee of the entire right, title and interest, and hereby covenants that he has (they have) full right to convey the entire interest herein assigned, and that he has (they have) not executed and will not execute, any agreement in conflict herewith.

6) The undersigned hereby grant(s)

Marc A. Sockol, Reg. No. 40,823; Daryl C. Josephson, Reg. No. 37,365; Arnold de Guzman, Reg. No. 39,955, Cameron Kerrigan, Reg. No. 44,826; Patrick D. Benedicto, Reg. No. 40,909; David B. Abel, Reg. No. 32,394; Nathan Lane, Reg. No. 43,738; Lorinda Howland, Reg. No. 42,671; Michael Lechter, Reg. No. 27,350; David Koo, Reg. No. 46,839; David Rogers, Reg. No. 38,287; William Bachand, Reg. No. 34,980; Aaron Wininger, Reg. No. 45,229; Paul A. Durdik, Reg. No. 37,819; Paul J. Meyer P47,791; Victoria L. Nicholson, Reg. No. 47,823; and Fariba Sirjani, Reg. No. 47,947.

the power to insert on this assignment any further identification which may be necessary or desirable in order to comply with the rules of the United States Patent and Trademark Office for recordation of this document.

Date 8/7/2001Akira Fujibayashi

Akira Fujibayashi

STATE OF CALIFORNIA)

) ss.

COUNTY OF Santa Clara)

On Aug 7, 2001 before me, Michino Oishi Gustafson, personally appeared Akira Fujibayashi, personally known to me or proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same in his/her authorized capacity, and that by his/her signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.



WITNESS my hand and official seal

Michi Oishi Gustafson

Notary Public

Date 8/7/2001Akira Yamamoto

Akira Yamamoto

STATE OF CALIFORNIA)

) ss.

COUNTY OF Santa Clara)

On Aug 7, 2001 before me, Michino Oishi Gustafson, personally appeared Akira Yamamoto, personally known to me or proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same in his/her authorized capacity, and that by his/her signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal

Michi Oishi Gustafson

Notary Public